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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,736	06/21/2000	Toru Takayama	SEL 189	5820

7590 10/18/2005

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EXAMINER

VU, HUNG K

ART UNIT PAPER NUMBER

2811

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,736

Applicant(s)

TAKAYAMA ET AL.

Examiner

Hung Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/28/05, 6/24/05

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. Claims 1-52 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-58 of U.S. Patent No. 6,661,096. Although the conflicting claims are not identical, they are not patentably distinct from each other because the recited limitations of claims 1-52 of this Application are similar to the recited limitations of claims 1-58 of U.S. Patent No. 6,661,096.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-11, 13-16, 18-27, 40, 42-47 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa et al. (PN 4,770,948, of record) in view of Prall et al. (PN 5,341,016, of record).

Regarding claims 1, 4, 40, Oikawa et al. discloses the invention substantially as claimed, including a semiconductor device, the semiconductor device comprising,

wirings (5) formed over a substrate (1), the wirings comprising a tungsten film,

wherein the wirings includes at least one inert element, and 90% or more of the inert element is argon, and

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wherein an amount of sodium contained within the tungsten film is equal to or less than 0.3 ppm.

Oikawa et al. does not specifically disclose a tungsten nitride film formed under the tungsten film. However, Prall et al. discloses the wiring comprising a tungsten film (34) and a tungsten nitride film (33). Note Figures 5 and 7, and Col. 5., lines 1-20 of Prall et al.. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the wirings of Oikawa et al. having a tungsten nitride film under the tungsten film, such as taught by Prall in order to improve the adhesion between the wiring and a gate dielectric film.

Regarding claims 2, 3, 9-11, 13, 21-23, 25, 45-47, 49 and 52, although Oikawa et al. and Prall et al. do not teach the thickness of the tungsten nitride film and the tungsten film, the electrical resistivity and the internal stress, the line width, the resistance, and the thickness of the wiring, as that claimed by Applicants, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the wiring having a desired thickness, resistivity, internal stress, line width, or resistance, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claims 6-8, 18-20, 40 and 42-44, although Oikawa et al. and Prall et al. do not disclose other inert element (Xe or Kr) is contained within the wiring at an amount equal to or less than 0.1 atom% or an amount of oxygen contained within the wiring is equal to or less than 1 wt%. However, it would have been obvious to one having ordinary skill in the art at the time

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the invention was made to form the wiring having a desired amount of other inert element or oxygen, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claims 14, 15, 24, 26, 27, 50 and 51, Oikawa et al. and Prall et al. do not disclose the semiconductor device is an active matrix type liquid crystal display, an active matrix type EL display, or an active matrix type EC display, or a video camera, a digital camera, a projector, a goggle type display, a car navigation system, a personal computer, or a portable information terminal. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the device of Oikawa et al. and Prall et al. into the devices as claimed in order to perform the desire function.

Regarding claim 16, Oikawa et al. does not disclose an insulating film comprising SiOxNy formed over the wiring. However, Prall et al. discloses an insulating film (21) comprising SiOxNy formed over the wiring. Note Figures 5 and 7 of Prall et al.. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a cap layer over the wiring of Oikawa et al., such as taught by Prall et al. in order to increase the adhesion of the wiring and to protect the wiring during etching.

3. Claims 5, 12, 17, 41, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa et al. (PN 4,770,948, of record) in view of Prall et al. (PN 5,341,016, of record) and further in view of Ikeda et al. (JP8-153722, of record)

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Regarding claims 5, 12, 17, 41 and 48, Oikawa et al. and Prall et al. disclose the invention substantially as claimed, including the device as cited in the rejections of claims 4, 16, 28 and 40, the wiring is used as a gate of the MOS with the gate insulating film (4). Oikawa et al. and Prall et al. do not disclose the wiring is used as a gate electrode of a TFT. However, Ikeda et al. discloses the wiring is used as a gate electrode of a TFT or MOS with a semiconductor film (104). Note Figure 13 of Ikeda et al.. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the wiring of Oikawa et al. and Prall et al. as the gate electrode for the TFT, such as taught by Ikeda et al. in order to increase the circuitry density.

Response to Arguments

4. Applicant's arguments filed 06/24/05 have been fully considered but they are not persuasive.

It is argued, at page 13 of the Remarks, that, in general, the amount of sodium within a target is not necessarily the same as a concentration in a wiring ... when a wiring is formed, the amount of sodium within the wiring is inevitably increased compared to that of a target as sodium can enter into the wiring from various sources, such as for example, from a substrate, substances adjacent to the wiring, etc. This argument is not convincing because the arguments of counsel cannot take the place of evidence in the record. In re Schulze, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); In re Geisler, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997) ("An assertion of what seems to follow from common experience is just attorney argument and not the kind of actual evidence that is required to rebut a prima facie case of obviousness."). See MPEP

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716.01(c) for examples of attorney statements which are not evidence and which must be supported by an appropriate affidavit or declaration.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vu whose telephone number is (571) 272-1666. The examiner can normally be reached on Mon-Thurs 6:00-3:30, alternate Fri 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Loke can be reached on (571) 272 - 1657. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vu

October 13, 2005

A handwritten signature in black ink, appearing to read "Hung Vu", written over a horizontal line.

Hung Vu

Primary Examiner